



## Seychelles

### Country Reports on Human Rights Practices - [2004](#)

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Seychelles is a multi-party republic governed by President James A. Michel and the Seychelles People's Progressive Front (SPPF). In April, ex-President France Albert Rene handed over power to Michel after serving as President since a 1977 coup. The leader of the opposition Seychelles National Party (SNP), Wavel Ramkalawan, argued that Rene misused the handover provision in the Constitution, charging that Rene wanted to allow Michel to establish himself politically prior to elections scheduled for 2006; however, the SNP recognized Michel as President. In 2001, President Rene and the SPPF won reelection with 54 percent of the vote. Some international observers concluded that the overall result was decided fairly; however, other international observers said that the election was not entirely free and fair. December 2002 elections for the National Assembly were judged to be free and fair by international observers. The President and the SPPF dominated the country through a pervasive system of political patronage, control over government jobs, contracts, and resources. The judiciary was inefficient, lacked resources, and was subject to executive interference.

The President has complete control over the security apparatus, which included a National Guard force, the army, the Presidential Protection Unit, the coast guard, and police. There also was an armed paramilitary Police Mobile Unit (SMU), which together with police had primary responsibility for internal security. The army, National Guard force, and coast guard were responsible for external security and some internal security. The Presidential Protection Unit was responsible for the President's security. The civilian authorities maintained effective control of the security forces. Some members of the security forces committed human rights abuses.

The economy was market-based, although there was significant government control over the exchange rate and the import and export of goods. According to a census conducted in 2003, the population was 82,000. The economy is based primarily on tourism; however, the fishing industry also is an important sector. The Government estimated the rate of economic growth to be negative 3 percent in 2003. Wages kept pace with inflation largely because the Government maintained an artificially high exchange rate. The lack of progress towards privatization, shortages of foreign exchange, and the pervasive presence of inefficient state enterprises led to an economic recession that continued at year's end.

The Government generally respected the human rights of its citizens; however, there were problems in several areas. President Michel was not free to act independently because ex-President Rene and the SPPF continued to wield substantial power. There was one political killing. Police brutality was a problem. The Government sometimes infringed on privacy rights. There were some restrictions on freedom of the press. Violence against women continued, and child abuse remained a problem. Women's rights were limited. Discrimination against foreign workers also was a problem.

## RESPECT FOR HUMAN RIGHTS

### Section 1 Respect for the Integrity of the Person, Including Freedom From:

#### a. Arbitrary or Unlawful Deprivation of Life

There was a report of a politically motivated killing. According to an opposition newspaper report, on July 25, agents of the Government accidentally killed Claude Monnaie, confusing him for an opposition party activist. By year's end, no one was charged.

#### b. Disappearance

There were no reports of politically motivated disappearances.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution forbids torture; however, there were reports of beatings by security forces. In November, police received a

record number of complaints of police brutality. During the year, the Supreme Court reported that there were eight cases of police brutality, all of which were pending at year's end. Unlike in the previous year, there were no reports of beatings with electrical wires, or of families denied access in cases where the detainee had been severely beaten.

In mid-November, police officers allegedly beat a man and sexually abused a woman after police picked up the couple in Anse Royale.

Conditions at the Long Island prison remained Spartan. In 2003, the Grand Police High Security Prison was established on Mahe for more violent criminals. During the year, the total number of inmates increased to 193, of whom 8 were women; there were 16 prisoners under the age of 23, and 8 were noncitizens. Family members were allowed monthly visits, and prisoners had access to reading but not writing materials.

Men were held separately from women, and juveniles were held separately from adults. Pretrial detainees generally were held separately from convicted prisoners.

There was no regular system of independent monitoring of prisons; however, local and international nongovernmental organizations (NGOs) were allowed to visit. During the year, the Assistant Commissioner of Prisons from Mauritius, a Canadian NGO focused on prison conditions worldwide, and the African Commission on Human and People's Rights made visits; however, no local NGO visited the prisons.

#### d. Arbitrary Arrest or Detention

The Constitution prohibits such practices; however, legal restraints were not always respected.

The Police Commissioner reports to the Defense Forces Chief of Staff and commands the police and the armed SMU. Regular police are unarmed and must work with the army on issues of internal security.

The Constitution provides that persons arrested must be brought before a magistrate within 24 hours, with allowances made for boat travel from distant islands; however, police did not always uphold this requirement. For example, according to legal sources, in February, a man who was suspected of theft was arrested on a Friday, held over the weekend, and released on a Monday with no charges filed. A similar situation occurred in June. Despite these isolated examples, police appeared to have reduced their detention of individuals on a Friday or Saturday specifically to allow for a longer period of detention without charge. When the practice was used, police released such persons on Monday before the court could rule on a writ of habeas corpus.

The law also provides for detention without charge for up to 7 days if authorized by court order, and, in practice, this provision generally was respected.

Unlike in previous years, there were no reported cases that police used extended periods of detention under harsh conditions to extort confessions from suspects.

Detainees have the right of access to legal counsel, and unlike in the previous year, there was no reported case of security forces withholding this right. Free counsel was provided to the indigent. Bail was available for most offenses.

#### e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the judiciary was inefficient and subject to executive interference.

The judicial system includes magistrates' courts (or small-claims court), the Supreme (or trial) Court, the Constitutional Court, and the Court of Appeal. The Constitutional Court convenes weekly or as necessary to consider constitutional issues only. The Court of Appeal convenes three times per year for 2 weeks in April, August, and October to consider appeals from the Supreme Court and Constitutional Court only.

All members of the Supreme Court are appointed for 7 years and may be reappointed by the President on the recommendation of the Constitutional Appointment Committee. The Chief Justice was a naturalized citizen, and one other judge was from the country; the remaining judges were hired from other Commonwealth countries, including Mauritius, India, Sri Lanka, Nigeria, and Zambia. The Bar Association criticized the Government for not advertising domestically that judicial positions were available, since approximately 30 citizens practiced law either domestically or abroad. There were also several justices of the peace responsible for small-claims cases, and there were allegations that many justices of the peace were appointed because of their affiliation with the SPPF. Legal entities of the Government, such as the Attorney General's Office, were reluctant to pursue charges of wrongdoing or abuse of power against senior officials.

Defendants have the right to a fair public trial. Depending on the gravity of the offense, criminal cases were heard by a magistrates' court or the Supreme Court. A jury was used in cases involving murder or treason. Trials were public, and the

accused was considered innocent until proven guilty. Defendants have the right to counsel, to be present at their trial, to confront witnesses, and to appeal.

An 18 member Family Tribunal heard and decided all matters relating to the care, custody, access, and maintenance of children, except paternity cases, which remained under the courts (see Section 5). The Family Tribunal was empowered to offer protection orders to victims of family violence. During the year, 451 cases came before the Tribunal, including a case in which the Tribunal prevented the removal of a child from the country's jurisdiction.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the right to privacy and freedom from arbitrary searches; however, the Government sometimes infringed on these rights. The law requires a warrant for police searches and seizures; unlike in previous years, there were no reports that members of the police drug squad entered homes and detained persons without a warrant.

The law requires that all electronic surveillance be justified on the grounds of preventing a serious crime and approved by a judge; however, there were reports that the Government maintained telephone surveillance of some political figures.

There were reports that members of the opposition were barred from receiving postings in administrative positions in the education sector (see Section 2.a.).

#### Section 2 Respect for Civil Liberties, Including:

##### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press; however, it also provides for restrictions on speech "for protecting the reputation, rights, and freedoms of private lives of persons" and "in the interest of defense, public safety, public order, public morality, or public health." As a result, both freedom of speech and of the press were limited because civil lawsuits could easily be filed to penalize journalists for alleged libel.

The government controlled Seychelles Broadcasting Corporation (SBC) continued to ban a local singer's music from being broadcast on the grounds that the songs were seditious.

The Government had a near monopoly of the media and owned the only television station, all radio stations the most important means for reaching the public and the only daily newspaper, the Nation. The government-owned media adhered closely to the Government's position on policy issues and gave the opposition and news adverse to the Government only limited attention. While both opposition parties published an assortment of newsletters and magazines, there was publication of only one significant opposition newspaper, the weekly Regar. Government officials have sued Regar for libel numerous times in recent years, most recently in 2003. This case had not been heard by year's end.

In November, the editor of Regar appeared in court to defend the newspaper's publication, despite a court order not to publish, of a letter written by three judges to the Chief Justice. The editor was charged with contempt of court for publishing the article. There was no resolution to the case at year's end.

Journalists did not practice self-censorship.

The license fees for a private radio or television station were prohibitively expensive and were a deterrent to the establishment of such stations. The license fees for a private newspaper were not as prohibitive.

The law allows the Minister of Information Technology to prohibit the broadcast of any material believed to be against the "national interest" or "objectionable"; however, the law was not used during the year. The legislation also requires telecommunications companies to submit subscriber information to the Government.

There were no government restrictions on the use of the Internet.

Academic freedom was limited because persons could not reach senior positions in the academic bureaucracy without demonstrating at least nominal loyalty to the SPPF. There are no universities; secondary school teacher appointments were largely apolitical. The Government controlled faculty appointments to the Polytechnic, the most advanced learning institution.

##### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in

practice; however, while generally permitting SPPF rallies, the police on occasion refused to grant such permission to the SNP.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice. Although it was not used during the year, the law allows the Government to deny passports to any citizen if the Minister of Defense finds that such denial is "in the national interest." While the resident departure tax of approximately \$49 (SR 250) was payable in local currency, government foreign exchange regulations and the foreign exchange shortage hindered many citizens from being able to afford foreign travel.

The law prohibits forced exile, and the Government did not use it. Several claims to reacquire property of some individuals who returned from voluntary exile following the 1977 coup remained in the court system, and no action on those cases occurred during the year.

The law provides for the granting of refugee status or asylum in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, but the Government has not established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution; however, the issue did not arise during the year.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in the 2001 presidential elections and in the 2002 National Assembly elections. Suffrage was universal.

In the 2001 presidential election, approximately 90 percent of eligible voters participated. President Rene was reelected with 54 percent of the vote; SNP candidate Wavel Ramkalawan received 45 percent, and independent candidate Dr. Philip Boule received 1 percent. Ramkalawan challenged the election results, accusing the SPPF of intimidation, vote buying, and election rule misuse, but in 2003 he withdrew his court case. Observers from the Southern African Development Community noted "minor hitches" but stated their satisfaction with the election and in particular observed transparency during vote casting and counting. However, the Commonwealth Organization observers reported that while the presidential elections were peaceful, they were not entirely free and fair. Their report described instances of intimidation during voting and the lack of open competition during the campaign.

In the 2002 National Assembly elections, judged to be free and fair by international observers, the opposition SNP party won 11 of the 34 seats.

France Albert Rene's SPPF party continued to use its political resources and those of the Government to develop a nationwide organization that extended to the village level. The opposition parties have been unable to match the SPPF's organization and patronage, in part because of financial limitations. In the current budget, the SPPF was allocated \$49,300 (SR 271,500), the SNP \$38,700 (SR 213,000), and the Democratic Party \$2,800 (SR 15,500). These amounts were based on percentages received by the political parties nationally in the 2002 legislative elections.

Some members of opposition parties claimed that they lost their government jobs because of their political beliefs and were at a disadvantage when applying for government licenses and loans.

There was widespread public perception of corruption in the executive branch, especially in the process of privatization of government-owned businesses and government-owned land distribution. There were reports that recent sales of major government-owned assets were decided without independent review. There were also complaints in the opposition newspaper that in at least two cases, the identity of the purchasers of these properties was never revealed.

There are laws allowing public access to government information; however, the Government does not enforce them.

There were 10 women in the 34-seat National Assembly, 7 by direct election and 3 by proportional representation, and there were 2 women in the 12-minister Cabinet. There were four female principal secretaries in the government service.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups, including churches, generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views.

The Center for Rights and Development (CEFRAD) had a 5-year action plan that stressed respect for human rights, participation in a civil society, and sensible approaches to development; however, CEFRAD did not claim any results from its 5-year plan by year's end. CEFRAD also established ties with other national and international NGOs.

In June, the African Commission on Human and People's Rights, a branch of the African Union, assessed the overall human rights situation in the country. The group found that the country demonstrated a broad respect for human rights, but it noted that army involvement in police operations was a point of concern.

A government-run National Humanitarian Affairs Committee (NHAC) operates with a diverse range of members from both civil society and the Government. The International Committee of the Red Cross acts as a technical adviser to the NHAC.

#### Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution affirms the right to be free from all types of discrimination, but it does not prohibit discrimination based on specific factors. In practice, there was no overt discrimination in housing, employment, education, or other social services based on race, sex, ethnicity, nationality, or disabilities.

#### Women

Domestic violence against women, particularly wife beating, was an increasing problem. Police seldom intervened in domestic disputes, unless the dispute involved a weapon or major assault. The few cases that reached a prosecutor often were dismissed, or, if a case reached court, the perpetrator usually was given only a light sentence. Rape, spousal rape, and domestic abuse are criminal offenses. There was growing societal concern about domestic violence and increased recognition of the need to address it. During the year, one local NGO held awareness campaigns and training programs for women and girls regarding domestic abuse.

Prostitution is illegal but remained prevalent.

The law prohibits sexual harassment but was rarely enforced.

The society largely was matriarchal. There were no reports of societal discrimination against unwed mothers, and more than 70 percent of births were out of wedlock during the year; fathers were required by law to support their children. There was no officially sanctioned discrimination in employment, and women were well represented in business. Inheritance laws did not discriminate against women.

#### Children

The Division of Social Affairs in the Ministry of Social Affairs and Manpower Development worked to protect children's rights, and in practice, they were fairly effective, given the resource constraints.

Children were required to attend school through the 10th grade. Free public education was available through the secondary level until age 18. Students had to buy school uniforms but did not have to pay for books or tuition. However, parents were sometimes asked to contribute some supplies. Parents contributed up to two thirds of the cost of post secondary education and training based on their income for both in-country and overseas schools. According to government figures, all children between the ages of 6 and 16 attended school, and the percentages of boys and girls enrolled was roughly equal. There was a noncompulsory 5th year of secondary school. After completing secondary school, students can go to the Polytechnic School for Vocational Training, go abroad for university studies, or go to apprenticeship or short term work programs. Children in the apprenticeship or short term work programs received a training stipend, which was less than the minimum wage.

The age of consent was 15 years. Girls were not allowed to attend school when they were pregnant, and many did not return to school after the birth of a child.

Girls and boys had equal access to medical care.

The Family Tribunal was responsible for collecting and disbursing child support payments made by family members. In December 2003, the Auditor General confirmed that there were missing child support funds totaling \$255,400 (SR 1,297,615). At year's end, the funds had not been recovered, and it was unlikely that further action would be taken in the case. Social security funds were transferred to cover the child support obligations.

The law prohibits physical abuse of children. Sexual abuse of children, usually in low-income families, was a problem; however,

there were only a few cases of sexual abuse, generally by stepfathers and older brothers, reported during the year. Ministry of Health data and press reports indicated that there were a significant number of rapes committed against girls under the age of 15. Very few child abuse cases were prosecuted in court. The strongest public advocate for young victims was a semiautonomous agency, the National Council for Children. There was criticism that police failed to investigate vigorously charges of child abuse.

#### Trafficking in Persons

The law prohibits trafficking in persons, and there were no reports that persons were trafficked to, from, or within the country.

#### Persons with Disabilities

There was no legislation providing for access to public buildings, transportation, or state services; however, there was no reported discrimination against persons with disabilities in housing, jobs, or education.

#### Section 6 Worker Rights

##### a. Right of Association

The law provides workers with the right to form and join unions of their choosing; however, police, military, prison, and fire fighting personnel may not unionize. Between 15 and 20 percent of the workforce was unionized.

##### b. Right to Organize and Bargain Collectively

The law provides workers with the right to engage in collective bargaining; however, free collective bargaining did not take place. The Government has the right to review and approve all collective bargaining agreements in the public and private sectors. There was little flexibility in setting wages. In the public sector, which employed 57 percent of the labor force, the Government set mandatory wage scales for employees. The employer generally set wages in the private sector in individual agreements with the employee, but, in the few larger businesses, the Government set wage rates.

The law authorizes the Ministry of Employment and Social Affairs to establish and enforce employment terms, conditions, and benefits, and in practice, workers frequently obtained recourse against their employers through the Ministry.

Strikes are illegal without first exhausting arbitration procedures and are rare.

There is 1 export processing zone, the Seychelles International Trade Zone (SITZ), with 24 participating companies. The SITZ was bound only by the Seychelles Trade Zone Act and was not obliged to adhere to labor, property, tax, business, or immigration laws.

##### c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

##### d. Prohibition of Child Labor and Minimum Age for Employment

The Constitution states that the minimum age for employment is 15, "subject to exceptions for children who are employed part time in light work prescribed by law without harm to their health, morals, or education," and in practice, these requirements were followed. It is a criminal offense punishable by a fine of \$1,090 (SR 6,000) to employ a child under the age of 15. The Ministry of Employment and Social Services enforced child labor laws and investigated abuses of child labor. The Ministry handled such complaints within its general budget and staffing; no cases that required investigation were reported.

##### e. Acceptable Conditions of Work

There is no official private sector minimum wage. However, according to the Ministry of Employment, the minimum wage is \$412 (SR 2,225) per month for public sector employees. The Government encourages but does not require the private sector to grant the minimum public sector wage. Even with the free public services that were available, primarily health care and education, independent labor unions believed that a single salary at the low end of the pay scale did not provide a decent standard of living for a worker and family. Private employers historically paid higher wages than the Government to attract qualified workers; however, economic problems during the year led to downward pressures on wages.

The legal maximum workweek varied from 45 to 55 hours, depending on the economic sector; in practice, some workers may work up to 60 hours per week. Government employees worked fewer hours. Each full time worker was entitled to a 30 minute break per day and a minimum of 21 days of paid annual leave. Workers were permitted to work overtime up to 60 additional

hours per month. The Government generally enforced these regulations.

Foreign workers did not enjoy the same legal protections. There continued to be a growing trend to admit foreign workers, primarily from China, India, the Philippines, Thailand, and Madagascar, to work in the construction and commercial fishing sectors, because few citizens chose to work in these sectors. These workers were sometimes paid lower wages and forced to work longer hours than citizens.

The Ministry of Employment and Social Affairs has formal responsibility for enforcing the Government's comprehensive occupational health and safety regulations, and the Ministry of Health enforced such standards. During the year, an International Labor Organization (ILO) team found serious deficiencies in the management and effectiveness of government monitoring and enforcement efforts; however, there was no known government response to the ILO criticisms. Occupational injuries were most common in the construction, marine, and port industries. Safety and health inspectors rarely visited job sites. Unlike in the previous year, there were no work-related deaths. Workers do not have the right to remove themselves from dangerous or unhealthy work situations without risking their continued employment, and if they took such action, they were considered as having resigned.